

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GREG OSINOFF,	:	
	:	14cv1408 (DLC)
Plaintiff,	:	
	:	<u>ORDER</u>
-v-	:	
	:	
OPERA SOLUTIONS LLC and OPERA	:	
INCENTIVE COMPANY LLC,	:	
	:	
Defendants.	:	
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DENISE COTE, District Judge:

This action was filed on March 3, 2014. The Honorable Deborah A. Batts denied defendants' motion for summary judgment on November 14, 2017. On April 18, 2018, the parties stipulated to the dismissal with prejudice of defendant Opera Incentive Company LLC and submitted their Joint Pretrial Statement as to the claims remaining against Opera Solutions LLC. On March 11, 2019, Judge Batts granted the motion of Kaplan, Williams & Graffeo, LLC, to withdraw as counsel for Opera Solutions LLC and ordered any new counsel for this defendant to file a notice of appearance within sixty days of that Order. No notice of appearance was filed.

On December 10, 2019, Judge Batts issued an Order to Show Cause why the case should not be dismissed for failure to prosecute and ordered plaintiff to respond within thirty days.

On January 8, 2020, plaintiff attempted to file a Motion for Default Judgment. On February 19, this action was transferred to this Court's docket.

As of March 4, 2020, no counsel had appeared for Opera Solutions LLC. Accordingly, this Court entered a default against Opera Solutions LLC and referred the matter to a magistrate judge for an inquest on damages. The March 4 Order also directed plaintiff to serve Opera Solutions LLC with a copy of that Order by March 13. The plaintiff did not comply with that order.


On March 4, the magistrate judge issued a scheduling order directing plaintiff to submit proposed findings of fact and conclusions of law by March 27, 2020. At plaintiff's request, that date was extended to June 26. Plaintiff did not make his submission on June 26. On July 22, the magistrate judge sua sponte ordered that plaintiff's time to make those submissions would be extended to August 5. The July 22 Order also warned plaintiff that no further extensions would be given absent compelling circumstances. On August 7, plaintiff advised the Court that he no longer wished to prosecute this action and requested that it be dismissed pursuant to Fed. R. Civ. P 41(a)(2). Accordingly, it is hereby

ORDERED that the above-captioned action is dismissed with

prejudice. The Clerk of Court is directed to close the case.

SO ORDERED:

Dated: New York, New York  
August 7, 2020

  
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DENISE COTE  
United States District Judge